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10/043,355	01/09/2002	Jason Robert McGee	RSW920010086US1	7289

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Theodore Naccarella, Esquire
Synnestvedt & Lechner
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER	
NGUYEN, THANH T	
ART UNIT	**PAPER NUMBER**
2144	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/043,355	MCGEE ET AL.	
	Examiner	Art Unit	
	Tammy T. Nguyen	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 January 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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Detailed Office Action

1. This action is responsive to the amendment filed on February 22, 2007.

2. Claims 1-33 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al., (hereinafter Howard) U.S. Patent No. 6,678,731 in view of Sears et al., (hereinafter Sears) U.S. Patent No. 6,934,736 further in view of http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org., (hereinafter Jsonline.com).

5. **As to claim 1**, Howard teaches the invention as claimed, including a method of synchronizing different copies of a cookie across a plurality of client computing devices that access a network, said method comprising the steps of: (1) registering a plurality of client computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary information to the authentication server); (2) maintaining information identifying the members of said account at a server on said network [see col.9, lines 65-67, col.10, line 55 to col.11, line15](*the same login ID is used to identify a particular user on all affiliate servers, the information received in the completed web page authentication information maintained by authentication server*); (4) storing said data at said server [see col3, line 59 to col.4, line 2] (*the authentication server may provide certain user profile information the affiliate server*); (5) a server sending data to other client computing devices that are member of said account [see col.7, lines 34-35](authentication server sends a message to each web server on the list of sites visited), and (6) each of said other client computing devices that is a member of said account updating its copy of said at least one cookie in

accordance with said data [see col.7, lines 25-39] (authentication server also updates a cookie that contains a list of all sites visited by user).

6. However, Howard does not explicitly discloses responsive to a change in a copy of said at least one cookie stored at a first one of said client computing devices that is a member of said account, said first member client computing device sending a message to a server on said network containing sufficient data from which said changes to said copy of said at least one cookie can be determined and the account to which said first member client computing device corresponds.
7. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses responsive to a change in a copy of said at least one cookie stored at a first one of said client computing devices that is a member of said account, said first member client computing device sending a message to a server on said network containing sufficient data from which said changes to said copy of said at least one cookie can be determined and the account to which said first member client computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].
8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, liens 18-20]. Also, Howard and

Sears do not explicitly disclose wherein at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies.

9. In the same field endeavor, Jsonline.com discloses (e.g., gathering and trading data). Jsonline.com discloses at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, the fourth paragraph of page.1] (using a Web bug process called "cookie sync, " two companies can exchange data in background about Web site visitors. The information can be demographic data or personally identifiable elements, and it's often used for online profiling purposes).

10. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Jsonline.com's teachings of a gathering and trading data with the teachings of Howard at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies for the purpose of helping companies gather information for the people they bite, acting like tracking and information exchange services [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, first paragraph of page.1].

11. **As to claim 2**, Howard teaches the invention as claimed, wherein step (5) is performed responsive to a request for said data received from another client computing device that is a member of said account: (7) said another member client computing device issuing requests for said data [see Sears col.10, line 51 to col. 11, line.5] (change the user information in each of cookies).

12. **As to claims 3**, and 18, Howard does not explicitly teach periodically attempting to send said one or more changed cookies to computing devices that are members of said account. However, Howard does not explicitly discloses periodically attempting to send said data to client computing devices that are members of said account.

13. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses periodically attempting to send said data to client computing devices that are members of said account (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

14. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, liens 18-20].

15. **As to claims 4, and 19**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server records of the cookies stored at said client computing devices that are members of said account [see col.10, line 55 to col.11, line15](the information received in the completed web page authentication information maintained by authentication server); (5.2) comparing said records with said data stored at said server that relate to cookies that correspond to said account (Fig.4) (see abstract, col.7, lines 1-15).

16. **As to claims 5, and 20**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server records of the cookies stored at said computing devices that are members of said account (see col.10, line 55 to col.11, line15)(the information received in the completed web page authentication information maintained by authentication server); (5.2) comparing said records with said data stored at said server that relate to cookies that correspond to said account (Fig.4) (see abstract, col.7, lines 1-15), sending to each said client computing device that is a member of said account only said data that relates to cookies for which it is determined [see col. 7, lines 34-36] (authentication server sends a message to each web server on the list of sites visited).

17. **As to claims 7, and 22**, Howard teaches the invention as claimed, wherein step (5) comprises the steps of: (5.1) maintaining at said server first records of the times at which step (5) was last performed with respect to each said client computing device that is a member of said account, and (5.2) maintaining at said server second records of the client machine from which said data was received, and (5.3) comparing said first and second

records with said data stored at said server that relate to said account (fig.4) (see col.6, lines 43 to col.7, lines 39), sending to each said client computing device that is a member of said account only said data that relates to cookies for which it is determined [see col. 7, lines 34-36] (authentication server sends a message to each web server on the list of sites visited).

18. **As to claims 8, 23 and 26,** Howard teaches the invention as claimed, wherein changes to a cookie comprise any of updates to said cookie, creation of said cookie, deletion of said cookie, and rewriting of said cookie [see col.7, lines 15-39] (creates a cookie).

19. **As to claims 9, and 27**, Howard teaches the invention as claimed, wherein step (6) comprises periodically requesting said data [see col.6, lines 1-27] (reenter the password).

20. **As to claims 10, and 28,** Howard teaches the invention as claimed, wherein step (6) comprises requesting said data in said account each time said client computing device log onto said network [see col.7, lines 1-39].

21. **As to claims 11, and 29,** Howard teaches the invention as claimed, wherein step (6) is performed responsive to said member computing device accessing a particular Web site for which it has stored corresponding cookies [see col.1, lines 35-59].

22. **As to claims 12, and 30,** Howard teaches the invention as claimed, wherein step (6) comprises, responsive to the accessing of a particular Web site, said member client computing device requesting from said server only data corresponding those changed cookies in said account that correspond to said Web site [(see col.7, lines15-39].

23. **As to claims 13, and 31,** Howard teaches the invention as claimed, wherein step (3) is performed responsive to an instruction received by said member client computing device to log off of said network [see col.8, lines 1-32, col.6, lines 1-27].

24. **As to claims 14, and 32**, Howard teaches the invention as claimed, wherein step (3) is performed in connection with cookies corresponding to a particular Web site responsive to said member client computing device exiting said Web site [see col.1, lines 35-59].

25. **As to claims 15, and 33,** Howard teaches the invention as claimed, wherein step (3) is performed periodically [see col.6, lines 1-27].

26. **As to claim 16**, Howard teaches the invention as claimed, including a method of synchronizing different copies of a cookie across a plurality of client computing devices that access a network, said method comprising the steps of: (1) registering a plurality of client computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary

information to the authentication server); (2) maintaining information identifying the members of said account at a server on said network [see col.9, lines 65-67, col.10, line 55 to col.11, line15](*the same login ID is used to identify a particular user on all affiliate servers, the information received in the completed web page authentication information maintained by authentication server*); (4) storing at said server said data and information identifying said account to which they correspond [see col3, line 59 to col.4, line 2] (*the authentication server may provide certain user profile information the affiliate server*); (5) a server sending data to other member of said associated account [see col.7, lines 34-35](*authentication server sends a message to each web server on the list of sites visited*). However, Howard does not explicitly discloses receiving messages from said client computing devices that are members of said account identifying at least one cookie that have been changed at said client computing devices, said messages also containing sufficient data from which said at least one cookie can be determined and the account to which said first member computing device corresponds.

27. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses receiving messages from said client computing devices that are members of said account identifying at least one cookie that have been changed at said client computing devices, said messages also containing sufficient data from which said at least one cookie can be determined and the account to which said first member computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

28. Accordingly, it would have been obvious to one of ordinary skill in the networking art the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, lines 18-20]. Also, Howard and Sears do not explicitly disclose wherein at least one cookie is synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies.

29. In the same field endeavor, Jsonline.com discloses (e.g., gathering and trading data). Jsonline.com discloses at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, the fourth paragraph of page.1] (using a Web bug process called "cookie sync, " two companies can exchange data in background about Web site visitors. The information can be demographic data or personally identifiable elements, and it's often used for online profiling purposes).

30. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Jsonline.com's teachings of a gathering and trading data with the teachings of Howard at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said

at least one cookies for the purpose of helping companies gather information for the people they bite, acting like tracking and information exchange services [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, first paragraph of page.1].

31. **As to claim 17,** Howard does not explicitly teach performing responsive to a request for data received from another computing device that is a member of said account.

32. **As to claim 24**, Howard teaches the invention as claimed, including a method of synchronizing different copies of a cookie across a plurality of computing devices that access a network, said method comprising the steps of: (1) registering a plurality of client computing devices as members of an account [see col.2, lines 1-42] (registration information typically requested by web servers during user registration process) [see col.2. lines 15-42, and col.5, lines 42-67] (user of client registers by provides necessary information to the authentication server); (4) said member computing devices updating their cookies in accordance with said data [see col.7, lines 25-39] (the cookie is updated by adding the current affiliate server to the list of sites visited); (4)member client computing device updating their cookies in accordance with said data[see col.7, lines 34-36](authentication server sends a message to each web server on the list of sited visited). However, Howard does not explicitly discloses responsive to a change at least one cookie stored at a any of said computing devices that are members of said account, said client computing device sending a message to a server on said network containing sufficient

data from which said at least one cookie can be determined and the account to which said first member client computing device corresponds.

33. In the same field of endeavor, Sears discloses (e.g., a system and methods for automatically generating cookies). Sears discloses responsive to a change at least one cookie stored at a any of said computing devices that are members of said account, said client computing device sending a message to a server on said network containing sufficient data from which said at least one cookie can be determined and the account to which said first member client computing device corresponds (Sears teaches change the user information in each of these cookies), [see col.3, lines 32-48, and col.10, line 51 to col.11, line 6].

34. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Sears's teachings of a system and methods for automatically generating cookies with the teachings of Howard because it would have provided specific functions that convenience for the user in foregoing the need to manually enter information, and without burdening the user with entering such client information [see Sears, col.1, line 55-60 and col.2, lines 18-20]. Also, Howard and Sears do not explicitly disclose wherein at least one cookie is synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies.

35. In the same field endeavor, Jsonline.com discloses (e.g., gathering and trading data). Jsonline.com discloses at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client

computing devices containing a different copy of said at least one cookies [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, the fourth paragraph of page.1] (using a Web bug process called "cookie sync, " two companies can exchange data in background about Web site visitors. The information can be demographic data or personally identifiable elements, and it's often used for online profiling purposes).

36. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Jsonline.com's teachings of a gathering and trading data with the teachings of Howard at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies for the purpose of helping companies gather information for the people they bite, acting like tracking and information exchange services [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, first paragraph of page.1].

37. **As to claim 25,** Howard teaches the invention as claimed, further comprising the step of: (5) said member client computing devices issuing requests for said data; and wherein step (3) is performed responsive to step (5) [see col.5, line 42 to col.6, line 27, and col.7, line 1-39].

Response to Arguments

38. Applicant's arguments filled on February 22, 2007 have been fully considered, however they are not persuasive because of the following reasons:

39. Applicants argue that Howard does not provide a specific citation within the reference.

In response to applicant's arguments, the recitation "A method synchronizing different copies of a cookie across a plurality of client computing devices that access a network" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

40. Applicants argue that Howard does not disclose, "registering a plurality of client computing devices as members of an account". In response to Applicant's argument, the Patent Office maintain the rejection because Howard does teaches registering a plurality of client computing devices as members of an account as shown in fig.1 plurality of clients Affiliate server 104-108 registering and see col.2, lines 1-42, col.2, lines 15-42, and col.5, lines 42-67 (registration information typically requested by web servers during user registration process, and user of client registers by provides necessary information to the authentication server). Howard clearly shows registering a plurality of client computing devise as members of an account.
41. Applicants argue that Howard does not disclose "the identity of the client machines that are members of the account". In response to Applicant's argument, the Patent Office maintain the rejection because Howard does teaches the identity of the client machines that are members of the account as shown in col.9, lines 65-67, col.10, line 55 to col.11,

line15 (*the same login ID is used to identify a particular user on all affiliate servers, the information received in the completed web page authentication information maintained by authentication server*). Howard clearly shows maintaining information identifying the members of said account.

42. Applicants argue that Sears does not disclose "cookie at the client machine that is being changed and which the further processing is responsive". In response to Applicant's argument, the Patent Office maintain the rejection because Sears discloses Sears discloses responsive to a change in a copy of said at least one cookie stored at a first one of said client computing devices that is a member of said account, said first member client computing device sending a message to a server on said network containing sufficient data from which said changes to said copy of said at least one cookie can be determined and the account to which said first member client computing device corresponds (Sears teaches change the user information in each of these cookies, and allowing the web site to change the corresponding cookie at the client) as shown in col.3, lines 32-48, and col.10, line 51 to col.11, line 6. Sears clearly shows the application claimed invention.

43. Applicants argue that none of the three cited references has anything to do with sharing cookies across multiple client machines. In response to Applicant's argument, the Patent examiner maintain the rejection because Jsonline.com discloses at least one cookie is to synchronized across said plurality of client computing devices that are members of account, each of plurality of client computing devices containing a different copy of said at least one cookies [see http://www.jsonline.com/bym/tecg/news/jun01/bugs19061801.org, the fourth paragraph

of page.1] (using a Web bug process called "cookie sync, " two companies can exchange data in background about Web site visitors. The information can be demographic data or personally identifiable elements, and it's often used for online profiling purposes). Jsonline.com clearly shows the application claimed invention.

44. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 16, and 24. Claims 2-15, 17-24 and 25-33 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.

45. Accordingly, claims 1-33 are respectfully rejected.

Conclusion

46. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

47. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272-3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***William Vaughn*** can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTN

April 25, 2007

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100